

National Maritime Security Advisory Committee Day 1: March 3, 2005

20 April 2005

The inaugural public meeting of the National Maritime Security Advisory Committee (NMSAC) was called to order at 9:00 a.m. by the **Executive Director, Captain Frank Sturm**, United States Coast Guard (USCG). The minutes are a synopsis of the day and one half meeting. Audio recordings of the public meeting may be reviewed and will be retained within the Office of Port and Cargo Security (G-MPS-2) at Coast Guard Headquarters for two years from the date of the meeting.

Members appointed to the Committee are as follows:

Mr. Wade Battles	Ms. Mary Frances Culnane
Mr. John Dragone	Mr. William Eglinton
Mr. David Halstead	Ms. Lisa Himber
Mr. John Hyde	Ms. Alice Johnson
Mr. Christopher Koch	Mr. Joseph Langjahr
Mr. Basil Maher	Mr. Theodore Mar
Mr. Robert Merhige, III	Mr. Jeffrey Monroe
Mr. Charles Raymond	Mr. Timothy Scott
Mr. James Stolpinski	Mr. Thomas (Ted) Thompson
Mr. Mark Witten	Mr. Victor Zaloom

All members were present with the exception of Mr. Charles Raymond.

CAPT Sturm began the meeting by welcoming the members and led them in reciting the oath of office. Special guests were recognized and included Rear Admiral Thomas Gilmour, USCG; Rear Admiral Larry Hereth, USCG; Mr. Daine Eisold, Director of Maritime Programs for the Transportation Security Administration (TSA); Mr. Richard Lolich, Director, Office of Domestic Shipping from the Maritime Administration; and Mr. Jim Patton, Senior Policy Advisor, Border and Transportation Security (BTS).

RADM Gilmour addressed the body welcoming the members and thanking them for volunteering their time and energies to assist the USCG in preserving the freedom of the seas and facilitating commerce not only nationally but internationally. RADM Gilmour remarked on the assistance provided by advisory committees and partnerships sponsored by the USCG and recognized their value to the USCG and Department of Homeland Security (DHS). RADM Gilmour stated that he expects each member to provide frank and candid opinions on issues that come before the Committee. He then assured the body that he and RDML Hereth are committed to ensuring that the Committee will have the resources necessary to do its job. RADM Gilmour concluded his remarks, informing the Committee that Mr. Christopher Koch will serve as Chair and Ms. Lisa Himber as Vice Chair until elections are conducted.


CAPT Sturm introduced the following USCG members who have been supporting the stand up of the Committee: Commander Tina Burke; Lieutenant Commander Bruce Walker; Petty Officer Michael Lorah; Lieutenant Commander Darnell Baldinelli; Lieutenant Mike Dolan; and Lieutenant Commander Mike Cunningham. He noted that

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additional staff members and subject matter experts will be present and available throughout the proceedings.

NMSAC members then introduced themselves and gave a brief description of their backgrounds and areas of interest on the committee.

RDML Hereth was introduced and gave brief remarks congratulating each member on their appointment to the committee and thanking them for volunteering their time.

CDR Tina Burke was introduced and made a presentation regarding the charter of the NMSAC. Her briefing provided the context for the NMSAC as it relates to other advisory committees involved with issues of national maritime security.  (Double click on the icon to view slide presentation).


CDR Burke discussed the goals of the inaugural meeting:

- to identify areas where the NMSAC can provide the most benefit;
- avoid duplication of the efforts of other committees, subcommittees and other bodies with similar considerations;
- to prepare a plan for delivery of specific products on an established timeline.

Members broke for a short recess.

RDML Hereth introduced Tony Regalbutto, CAPT, USCG (retired), as a member of the staff at CG Headquarters working with the issues and policies relating to maritime security. Kevin Dale, CAPT, USCG (retired), was also introduced as having been at the center of the development of the Maritime Transportation Security Act (MTSA) 2002 mandated regulations and continues on staff at USCG Headquarters and will be available for answering questions or providing fuller background during discussions.

Mr. Rich Lolich, Executive Director, Maritime Transportation Security National Advisory Committee (MTSNAC), MARAD, was introduced. Mr. Lolich briefly described some of the responsibilities of the MTSNAC which advises the Secretary of Transportation, and has safety and security as a significant part of their concern. The MTSNAC wants to work with the NMSAC on common areas of security and transportation, in order to avoid duplicative efforts. He indicated that there will be regular liaison between the two advisory committees.

Mr. Jim Patton, Senior Policy Advisor for Cargo and Trade at the Border and Transportation Security Directorate, and Executive Director of the Commercial Operations Advisory Committee (COAC) was introduced. Mr. Patton presented an overview of the COAC and some of the work they are currently doing, emphasizing areas involving homeland security related issues. Mr. Patton indicated the potential for joint subcommittees composed of COAC and NMSAC members to work on maritime security issues in order to eliminate duplication.  The briefing resulted with the Committee engaging in conversation that included the following:

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Mr. Koch inquired if joint COAC/NMSAC subcommittees were formed as a coherent mechanism, would they be supported with the appropriate DHS, USCG, and CBP officials.

Mr. Patton indicated that DHS would fully support the cohesive body and any resulting recommendations.

RADM Gilmour added that HSPD 13 will also help to define the roles of both COAC and NMSAC.

Mr. Koch recommended that any recovery planning by DHS should be focused on keeping commerce flowing.

RDML Hereth noted that the basic concept of the MTSA regulations were for the USCG and industry to develop security practices that continue maritime commerce operations even under imminent threat conditions if possible. Risk assessments developed by the USCG used 30 threat scenarios which can be used by the Committee as a basis to help start the recovery discussions. He also indicated that the USCG has recently developed an internal response options matrix that will assist USCG field commanders in the decision making process. He emphasized that the USCG's general operational concept is not intended to shut down ports in a blanket fashion throughout the country except in the most dire situation or circumstance. He indicated that as the response options matrix is completed it will be shared with the Committee to add its input.

RADM Gilmour added that the Committee can add value by providing advice on the recovery issue and he also recommended that the Committee members and industry partners should have involvement with their local Area Maritime Security Committees (AMSC).

Mr. Battles requested clarification on port closures, stating that the Houston AMSC has already conducted two full pause drills at MARSEC 3, which halted all operations and required every facility to certify MARSEC 3 attainment. The Houston Port Command Center will facilitate communications with its 135 private facilities and the Captain of the Port who will then determine the order in which systems will be brought back online.


RADM Gilmour clarified that the general operational concept of MARSEC 3 is not national closure of all ports. However, a specific port may require closure such as was exercised by the Houston AMSC. He again emphasized the importance of the Committee members also participating with their local AMSCs.

Ms. Culnane noted that the San Francisco Bay Transit Authority recently completed a draft Regional Maritime Transportation Contingency Plan which ensures shore side & deep sea commerce is not interrupted and offered it as a template.

Mr. Daniel Ostergaard, Executive Director of the Homeland Security Advisory Council (HSAC) presented an overview of the HSAC. He welcomed each of the members and

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thanked them for their service. He noted that al Qaeda recently stated that its goal is to bleed the economy of America and, considering that 85% of the critical infrastructure of America is owned by private industry, the Committee will be engaging in important work. Mr. Ostergaard invited the Committee to network with the HSAC working groups that focus on maritime security issues. Following the HSAC briefing, the Committee recessed for lunch.

The session resumed with a presentation by **Mr. Paul Hightower**, Deputy Director, Infrastructure Coordination, DHS IA/IP on Sector Coordinating Councils (SCC). The SCCs are self-organized, self-led private sector entities representing owners and operators of specific industries as noted in HSPD 7. The SCCs coordinate with DHS and sector specific governmental agency (e.g., Coast Guard for the maritime sector). As envisioned by IA/IP, the SCCs will represent specific sectors on national strategic and policy level security issues using the Homeland Security Information Network (HSIN) as the medium for communicating critical structure information. 

Mr. Koch inquired that since the USCG is already a communication link for the maritime sector will it continue to be the primary link to the maritime system as HSIN is established.

CAPT Regalbuto explained the current model for disseminating threat products to the maritime sector, noting that it does not permit direct electronic communication beyond the Captains of the Ports. He noted that the advent of the USCG's "Homeport" system, the HSIN, and the recently implemented American Waterways Watch program would facilitate better direct communication within and between the maritime sectors with USCG remaining the primary link for the maritime sector.

Mr. Witten noted the different federal communication systems should be coordinated and information should be shared with both regulated and non-regulated facilities.


RDML Hereth and Mr. Hightower agreed and indicated that the roll out of Homeport and HSIN addresses these concerns. Mr. Hightower noted that HSIN will be available to both regulated and non-regulated entities.

Ms. Himber noted that the NMSAC will address national strategic and policy level security issues and requested clarification on the role of a maritime SCC.

RDML Hereth noted that the issue should be discussed within the NMSAC. However, to ensure that maritime interests are represented before IA/IP and the other sectors, an SCC subcommittee could be established as the linking mechanism. He noted that communication flow has been enhanced with the USCG's use of sensitive security information (SSI). Additionally, he noted that the department is providing security clearances to members of the NMSAC as well as certain members of the various AMSCs.

Mr. Monroe recommended that the CG look at the FAA industry communication model as an example to facilitate communication with the private sector.

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
The NMSAC was then briefed on HSPD 13 by **CAPT David Gordner and CAPT Dan McClellan**, Co-chairs, HSPD-13 Domestic Outreach Policy Action Working Group. (Link to HSPDs: www.fas.org/irp/offdocs/nspd/index.html). 

CAPT Gordner and CAPT Dan McClellan provided an overview of NSPD 41/HSPD 13, the President's maritime security directive which was signed on Dec 21, 2004. The directive aims to integrate and align all U.S. maritime security initiatives into a cohesive national effort at the federal, state, local and private sector levels. CAPT Gordner noted that a standing interagency maritime security policy coordination committee has been formed to serve as the primary forum for coordination of U.S. government maritime security policy. He noted that a federal agency committee working group has been formed to develop a national maritime security implementation plan on a very short timeline. Although completion of the national plans is on an expedited schedule, individual members of the NMSAC will likely be contacted as part of the work group's outreach efforts. The briefing was followed with a thirty minute break.

CAPT Sturm resumed the session with a review of the proposed list of topics for



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discussion by the Committee (double click on icon to view ). The members were informed that this was a briefing session and that opportunities to deliberate on the topics would be available later in the day. The following seven proposed topics were presented to the NMSAC with a brief discussion of each:

1. Credentialing:

Mr. John Schwartz, Acting TSA Project Manager for the TWIC Program and **CDR Cindy Stowe**, USCG, described the Transportation Worker Identification Card (TWIC) program which was developed to mitigate current gaps in the transportation system that allow for fraudulent identification or provide identification for workers to work unescorted in sensitive areas near critical infrastructure. TWIC would provide a common credential across all modes and allow cyber access for entry into secure areas. TWIC has three goals: 1) to improve security, 2) to ensure that a program is provided that does not inhibit production/transportation; and 3) protect privacy of personal information. The prototype phase will: 1) exercise the entire system; 2) provide the performance metrics required for DHS; and 3) assist in determining how to implement the full program. The prototype is currently deployed in the Port of Los Angeles/Long Beach, the Delaware River basin area and in Florida's 14 deep water ports. TSA and the USCG have a joint rule making team that will work to develop a Notice of Proposed Rule Making (NPRM) to implement the TWIC program. The Committee may be useful in sharing its ideas that assist with the development of the NPRM.

Mr. Merhige inquired what conduct disqualifies someone during this prototype phase.

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Mr. John Schwartz explained that during the prototype no criminal history record check is being conducted. However, a terrorist threat assessment is completed on each applicant. Currently there is no authority to require the criminal history record check outside of local laws currently in place. Although in accordance with the laws of the state of Florida, TSA is completing both the criminal history and the terrorist threat assessment.

Mr. Stolpinski enquired whether there is any intent to parrot the disqualifying criteria used by the Waterfront Commission of New York / New Jersey.

Mr. Schwartz explained that input is being sought for the development of the TWIC disqualifying criteria and the NMSAC would be a great asset for providing input.

Mr. Monroe asked how the criteria would be different from those current in place for the aviation industry.

Mr. Schwartz explained that the TWIC system would provide two critical elements: uniformity and consistency. The TWIC program is intended to be fully compliant with Homeland Security Presidential Directives (HSPD) 11 and 12.

Mr. Dragone asked who would be the issuing authority.

Mr. Schwartz explained that the federal government would be the issuing authority although the logistics of how to do that have not yet been determined.

Ms. Culnane asked how the program is to be funded.

Mr. Schwartz explained that it is currently funded with appropriated funds but when fully implemented will be funded by user fees. He also indicated that all access controls at a particular location would be up to the facility.

Ms. Culnane asked what the term of issue would be.

Mr. Schwartz said currently a four year term is planned before expiration of the credential.

A member inquired if in addition to the TWIC an individual would also be required to obtain a port specific card.

Mr. Scwhartz explained that the TWIC has the capability of being used for universal access, but each port can determine whether to issue a separate card for their facility.

Mr. Merhige asked if the card can be used to limit access to secure areas within a port. As an example, the vendor could get to the vending machines to restock but would be restricted from entering areas in and around critical infrastructure.

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Mr. Schwartz responded that such specific limits would be the function of each individual access control system in place at the particular facility. The card would have the ability to store the access control information set by different locations so that one card could be used universally if the facility so desires.

Mr. Battles asked if individual ports/facilities would be able to imbed specific information on the TWIC card.

Mr. Schwartz responded that it is technically possible but a determination to authorize this is yet to be made.

CDR Stowe provided general information on other credentialing initiatives (Seafarer Identity Card, HSPD 12, and the Mariner Administrative Card) that bear on the TWIC. She stated that the new Office of Screening, Coordination and Operations in DHS, may at some point, take over the TWIC program. She stated that any U.S. mariner or transportation worker seeking unescorted access to U.S. vessels (which number 10,000) or facilities (which number 3000) would need a TWIC. She also indicated that at some point in the future the USCG would look to the NMSAC for input on Seafarer Identification Document (SID) requirements for foreign seafarers.

2. Threat Communications:

CDR Burke provided the following:

- Effective two-way communications systems between DHS agencies and maritime stakeholders are necessary to achieve our collective maritime security goals.
- IA/IP has proposed the development of a Maritime Sector Coordination Council (SCC) as one means of facilitating the flow of information between DHS agencies and maritime industry stakeholders. The SCC would primarily be industry-driven with administrative assistance provided by IA/IP.
- To meet their internal needs and improve customer outreach, the USCG is developing Homeport, an internet based communication and information sharing capability that will enhance the USCG's legacy internet presence. The new capability will allow the USCG and the maritime sector to exchange sensitive but unclassified (SBU) information, while remaining in compliance with federal information security and privacy requirements. In addition, it will standardize the USCG's internet sites, make rich content available on demand, and allow the public to submit plans and information to the USCG.
- The Committee could make specific recommendations on how to achieve the function of a sector coordinating council for the maritime sector. The Committee could also provide recommendations on standards of care/industry management practices for the safeguarding of SBU, and validation of the CG's list of national industry partners for DHS Threat Product dissemination.

Mr. Witten offered that the topic is extremely broad and the committee might be best served to limit this or separate components to better address the issue.

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Mr. Thompson spoke about the threat communication process and that threat vetting is a corollary to this issue. He expressed that, in general, the people currently vetting potential threat information do not have the hands-on experience of the personnel performing the jobs who will most likely be affected by the threat (e.g., the threat is not reviewed by a working or experienced tank barge operator, for instance for a reality check).

CAPT Regalbuto responded that the USCG does not control the vetting process and briefly described the process in place at the Intelligence Coordination Center (ICC). He noted that the USCG does some vetting prior to products being distributed to industry.

Ms. Culnane asked about the timing of a threat product.

CAPT Regalbuto explained that the timing depends on the urgency of the threat.

Ms. Culnane asked if the ICC determines if there is a threat.

CAPT Regalbuto replied that the Information Analysis and Infrastructure Protection Directorate (IAIP) of DHS makes the final decision on threat products.

A member asked if the process is different for a specific threat.

RDML Hereth explained that a specific threat is dealt with on a need to know basis and the concerned operator would be notified personally by the federal authority.

A member asked if, in the case of a specific threat--should the Company Security Officer (CSO) be contacted directly?

CAPT Regalbuto explained that currently the threat goes to the Captain of the Port (COTP) who would take action to contact the appropriate company personnel.

A member asked/recommended if some protocol should be developed/established.

Mr. Thompson indicated that in his experience, the USCG makes a call directly to the affected company on specific threats to cruise ships and that procedure is working well.

RDML Hereth explained that currently, in the case of a specific threat, a federal agent will make direct discreet contact with the affected company security official.

3. Recovery:

The Committee was informed of the following:

- MTSA requires the development of a National Maritime Security Plan (NMSP), which contains a recovery component. HSPD 13 also requires the development of recommended minimum federal standards for maritime recovery operations, and a comprehensive national maritime infrastructure recovery standards and a plan.

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- NMSAC could assist in the development of an implementation plan associated with the strategies outlined in these documents.
- Additionally, the Committee could identify critical issues related to the recovery of the national MTS following a transportation security incident. This effort might include actions expected of the USCG and other U.S. government agencies, actions expected of the maritime industry, the roles various agencies and industry members would play, critical decisions and where they will be made, and communications flow between key players (both government and industry).
- Consider COAC efforts (form joint subcommittee?)

Mr. Koch suggested that recovery plans may need to be developed for specific sectors within the maritime industry (e.g., recovery plans for barge operators on inland waterways would differ from plans for containerships).

CAPT Dale explained that until now there has been no thought to subdivide the plan by the various maritime sectors. The plan will be developed from a high level strategic view due to the short timeline required. However the plan will address bulk, pipeline, as well as container issues.

Mr. Witten asked if the National Maritime Security Plan (NMSP) is charged to the USCG for development.

CAPT Dale responded that the USCG is responsible for the NMSP.

Mr. Witten asked how all the various Part 106 facilities are to be addressed since the USCG does not have sole responsibility for all of the facilities affected.

CAPT Dale explained that the plan is being developed in an inter-agency forum, with the USCG as the lead agency.

Mr. Koch asked for information on the perceived relationship between the NMSP and the local area plans.

CAPT Dale explained that the intention is that they be developed in harmony with one informing the other. The national plan needs to outline the decision-making process. The area plan can address the specifics. The national plan addresses cascading issues that develop as a result of how the area plan handles an incident.

4. Critique of Security Officer Training Standards:

The Committee was advised of the following:

- The IMO has adopted competency standards for Company Security Officers (CSO) and Ship Security Officers (SSO).
- The MTSA rules do not require formal training for security officers. Companies are responsible for certifying to the attainment of the security officer(s) qualifications.

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- The Committee could conduct a review of the existing standards and make recommendations as to whether or not security officer training should be mandatory and provide recommendations on transitional arrangements (for those already certified by the companies as security officers).

Mr. Thompson asked what was meant by transitional standards.

CDR Burke explained that the mapping over of existing standards and qualifications to the new requirements and training is the transition. This addresses how to treat training and qualifications while moving from the old standards into those being developed.

Mr. Battles asked if professional training wasn't explicitly in the purview of MARAD.

Ms. Mayete Medina explained that responsibility is held jointly between MARAD and the USCG. The new requirements are being developed jointly. Questions yet to be determined are whether the Ship Security Officer (SSO) will be the only mandatory training required and whether SSO will be covered by USCG regulations.

5. Asymmetric Migration (stowaways/absconders/deserters):

Efforts are underway to address the port security threat posed by asymmetric migration. As part of this effort, the USCG and Customs and Border Protection (CBP) have established a Memorandum of Agreement (MOA) and Standard Operating Procedures (SOP) to provide guidance on how the USCG will support CBP in responding to vessels with high-risk crewmembers. A summary of the MOA, the SOP, and certain Annexes were provided to the members. The NMSAC could assist the USCG with policy refinement in responding to asymmetric migration.

Mr. Koch inquired about the status of the MOA and dissemination of the SOPs.

LCDR Cunningham explained that the MOA is in effect and the field is implementing the SOP. The SOP details the measures to deal with high-risk crewmembers. The SOP provides guidelines to field units to be adapted to specific situations. He further explained that the primary trigger for the requirements is if a crewmember is from one of the 26 countries identified in Annex VI of the SOP and the crewmember does not have a visa. If this condition exists, certain security measures will be required.

Ms. Johnson noted that not all of the SOP and its Annexes were made available to the members.

LCDR Cunningham explained that Annexes detail the security requirements of the SOP. The SOP is Security Sensitive Information (SSI) and is only available to designated individuals.

Mr. Dragone asked if use of force is covered in the SOP.

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LCDR Cunningham explained that state law governs the conduct of the required security guards, including when/how they may use force; that use of force is not addressed in the SOP. He also stated that security guards are armed for their own protection and for deterrent value.

Mr. Thompson asked about the enclosures regarding the SOP.

LCDR Cunningham explained that some of the annexes were provided in the packets but the SOP itself is designated as SSI and therefore all parts were not included in the handout provided to the members.

Mr. Koch asked if measures will be triggered if a seafarer is from one of the 26 countries but does hold a valid visa.

LCDR Cunningham responded that visa-holding crewmembers would not be affected provided a Customs and Border Patrol (CBP) officer admits the individual upon arrival to the U.S. He stated that in most circumstances crewmembers from an Annex VI country who hold a valid visa would not trigger the SOP measures.

CAPT Sturm added that the USCG pursued development of the SOP with CBP to ensure uniformity in enforcement and used existing COTP authority to issue these requirements.

6. Consistency in Operational and Enforcement Actions:

The members were provided the following:

- Vessel boardings are multi-faceted in that they occur at various locations throughout the port, for various purposes, and by teams with different perspectives and goals.
- In addition to the USCG's missions, there may be other federal government agencies that have similar missions. There may be inconsistencies in operational procedures between various enforcement teams that negatively impact safety or security.
- The Committee could conduct a review of vessel boarding procedures, identify critical areas of inconsistency detrimental to security, and provide recommendations to gain consistency across DHS agencies.
- The Committee could provide recommendations on the development of tools to increase awareness on both the industry and government side of operational issues and their impacts. Examples might include: information on the various types of vessel boarding types conducted, team makeup, and objectives for the industry; and a flowchart describing processes a vessel follows in making a port call for government organizations.
- The Committee could create a list of the missions and tasks that are duplicated by different agencies of the Federal Government aboard vessels and provide a recommendation of how such duplication might be streamlined.

Mr. Merhige asked how to get access to the boarding procedures from other agencies.

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LCDR John Pail explained that the USCG intends to share the USCG's policies and procedures and the NMSAC could use them as a starting point.

RDML Hereth suggested the NMSAC could provide input on a more efficient way for DHS agencies to provide policy information to ensure departmental consistency.

LCDR Pail briefly described the MTSA/ISPS Policy Advisory Council, which is a group of senior CG officials that meet regularly to determine policy issues related to the enforcement of the MTSA regulations.

Mr. Langjahr asked if this included work within the USCG itself regarding COTPs enforcing standards in different manners.

Mr. Witten expressed areas of concern as: 1) efficiency, 2) duplication and 3) more efficient implementation.

Mr. Koch asked if matters affecting or generated by other DHS agencies, such as CBP could be addressed by the NMSAC and if DHS could be expected to be responsive if matters regarding other agencies were presented to the Secretary of DHS.

RDML Hereth said that representatives from other DHS agencies could be invited to address the NMSAC to provide clarity on issues. Additionally, other federal agencies may be invited to address the NMSAC.

Ms. Himber enquired if the NMSAC could be a forum for addressing discrepancies between federal/state or national/international requirements.

RDML Hereth suggested that such matters could be brought to the NMSAC and the resolution might be prompted by the NMSAC advising the Secretary of such matters.

CAPT Sturm discussed the NMSAC's statutory role as advisor to the Secretary of DHS and that it need not be expected to address maritime security issues from the USCG exclusively. He also indicated that the USCG can also be used to address international issues at the IMO.

7. Electronic/Single Window Reporting Systems and Data Warehouses Submission:

LT Kim Andersen provided the following:

- The CG has integrated the CG and CBP's vessel, crew, passenger, and the CG Certain Dangerous Cargo (CDC) reporting elements into one electronic submission method--the electronic Notice of Arrival and Departure (eNOAD) system.
- This system was released on 31 January 2005 and allows industry to electronically submit the required aforementioned information to one central

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- location thereby removing duplicative reporting requirements. Once submitted this information is then automatically forwarded to both the CG and CBP.
- The eNOAD system does integrate CG and CBP vessel, crew, and passenger information requirements and it has been released for use by the maritime industry. It may be beneficial for NMSAC to provide comment on a DHS wide solution that would integrate all Federal agencies reporting requirements in to a single collection portal.

Following the briefings, the meeting was opened for public comment. Comments were limited to three minutes.

Public Comment

1. **RADM Beard** (ret), of the NJNMJC, US Naval Defense Force provided written copies of remarks regarding the potential for the USNDF to be a force multiplier to assist the USCG with port security operations.

2. **Mr. Joe Cox**, President, Chamber of Shipping of America, remarked that he was pleased to see support for continuing discussion regarding credentialing. He indicated that the key to credentialing is access to vessels (e.g., repairman and deliveries), determining who is allowed on and off of a vessel. In addition to crews, repairmen and suppliers also need access. Shore leave/access is a critical element of maritime domain awareness. He also noted the issue of consistency with ships linking with the port and that the NMSAC can assist with offering consistency recommendations.

3. **CAPT Joe Fromhoffer**, CEO of SeaTow Services International, expressed his concern that no representatives from the recreational boating industry or the maritime assistance industry were members of the NMSAC. He noted that both industries are now dealing with issues relating to privatization of waterside security.

Following public comments, the Committee engaged in discussion on the proposed topics.

NMSAC Members Comments:

Ms. Culnane expressed a desire to address operational consistency for the domestic shipping sector (review of the intent of the MTSA regulations). Specifically, focusing on the treatment of Subchapter H, T and K Boats (i.e. public/private ferries, excursion vessels, small passenger vessels, etc.)

CAPT Sturm explained that K boats are regulated and T boats were intentionally excluded from regulation.

Ms. Culnane stated that ferries are much more heavily regulated than other public transit modes. She would like to see reasonable and feasible application of the intent of the MTSA. She noted that public transit vessels should be looked at for regulatory

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consistency to ensure that each federal agency with regulatory authority is coordinating efforts.

Mr. Witten indicated that this may be a good time to look at MTSA lessons learned.

RDML Hereth suggested that this might be considered under the heading of critiquing MTSA applicability and taken up by the Committee.

Mr. Longjahr asked there is any intention to regulate private security firms.

RDML Hereth suggested that such an undertaking may be beyond the scope of the NMSAC and USCG authority because private security issues are currently regulated by each state.

Mr. Dragone proposed two issues under the consistency and enforcement topic:

1. Vessel access currently treats US mariners as if they are foreign nationals. He indicated that the issue of shore side access for vessels' crews may have been missed in a number of facility plans and warrants a regulatory review.
2. Annual vessel security inspections are now beginning. As a result of the inspections, COTPs are requiring changes to security plans to address such things as, for example, there being no SOP for "oiling the handcuffs". Owners/operators are frustrated because the COPTs are requiring rewrites to plans that have already been reviewed and approved by USCG headquarters.

RDML Hereth requested that more information be provided regarding rewrites of plans in order that USCG headquarters could investigate the issue. He further emphasized that consistency is important to the USCG.

CDR Stowe described the multi-step plan review process used by the USCG and suggested that some of the rewrites were generated by a determination that a procedure for access was a required element in the plans. Plans that did not have access procedures were determined to be deficient and were required to be rewritten. She also indicated that issue of access for US mariners may be addressed with the TWIC discussions.

CAPT Sturm discussed an overview of the future plan for reviewing security plans. Over time the local COTP will make determinations on facility plans. This is a function of the facilities being a fixed entity and these plans are a new additional requirement/regulated item. They do not move about and therefore allow for more local oversight.

Vessel plans will continue to be reviewed by the Marine Safety Center which has been in existence for approximately 20 years and is responsible for providing oversight for pre-existing regulatory requirements of vessels. In addition, because vessels call on multiple U.S. ports, this centralized oversight allows for over-arching consistency.

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Ms. Johnson indicated that as a member of another committee (CTAC) she has a list of items to be addressed that may be appropriate for NMSAC consideration.

RDML Hereth informed the Committee that the issues presented were developed by the USCG and are in part a means of providing some situational awareness for this newly created body and an idea of the body of work to be addressed. Although the USCG has provided a list of seven issues, he invited members to suggest other issues that are appropriate and relevant for consideration by the Committee.

Mr. Merhige asked for some background on how the Federal Sunshine Act applies to the operation of the Committee. A brief discussion, regarding the requirement for publication of Federal Register notices in advance of full committee, subcommittees and working group meetings ensued.

Mr. Langjahr stated that a better sense of the amount of time required for the NMSAC work items would assist in prioritizing issues, especially considering that some issues have to be addressed by June.

A roundtable discussion on meeting requirements continued. Discussion briefly touched upon publication of minutes for the committee, subcommittee and working groups. The Committee was informed that minutes of the open meetings will be developed and made available. The meeting was recessed at 5:00 pm until the next morning.

National Maritime Security Advisory Committee Day 2: March 4, 2005

The public meeting of the National Maritime Security Advisory Committee (NMSAC) was called to order at 8:00 a.m. by the **Executive Director, Captain Frank Sturm**, USCG.

All members were present with the exception of Mr. Charles Raymond.

The Committee was provided an hour briefing on administrative issues that included procedures for completing federal travel claims and the process for completing applications for national security clearances.

RADM Sullivan, USCG liaison to the Secretary of Homeland Security, was introduced to the Committee. In his comments, RADM Sullivan reinforced the previous briefing on HSPD-13 and indicated that he looked forward to collecting input from the members.

ADM T. Collins, Commandant, U.S. Coast Guard, was introduced and spent an hour with the members. The members were provided the opportunity to introduce themselves and gave brief personal background information and their areas of security interests.

The Commandant noted the collection of professionalism, experience, and diversity of representation of the maritime sector. He thanked the members for volunteering. He emphasized the importance of the public/private partnership undertaken by the USCG.

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He noted that the Committee is an important partner in the collaborative effort of creating an effective maritime security regime—providing input on key strategic security initiatives.

He discussed the maritime security planning requirements of HSPD 13. Noting that these policy changes will help to frame the USCG's world of work, he advised the members of the great opportunity to help in shaping maritime policy in the interest of the nation. He noted the importance of the concept of maritime domain awareness and its impact on the development of national and international maritime security standards.

The committee was challenged to offer ideas on the design features of the global maritime system, noting that they would be welcomed.

After completing his remarks, the Commandant responded to a number of questions from the members.

A member asked about the six month timeframe for delivering HSPD-13 requirements. He was informed that the time refers to the interagency effort beginning with the overarching Maritime Security strategy. It was noted that the deliverables will not be the end and NMSAC should have visibility on the documents once they are produced.

Mr. Monroe and **Mr. Merhige** noted the use of the aviation transportation security model for the maritime security design. The impact of the cost to the aviation community was noted. In commenting, ADM Collins noted that there is a difference between the aviation and maritime sectors. However, one objective may be to take that which is good with aviation planning and leave the bad things behind. The Commandant noted that unlike airports, each port is unique and indicated that good security and good business are not mutually exclusive when done right.

The Commandant indicated that since there is a change in DHS leadership this is a unique opportunity that lends itself to the Committee providing feedback which points out departmental inefficiencies and undue burdens.

Mr. Zaloom: Inquired about the manpower levels at the local MSO, noting the increase in the security mission at the local level. He was informed that the USCG budget has grown over 60% since 9/11. It was noted that this growth is unprecedented, with most of the funding increase going to new capability and capacity. It was also noted that the core structure has grown over 12% with a great deal funded towards MTSA implementation. The Commandant also noted the advent of Coast Guard Sectors, which integrate Marine Safety Offices and Group Offices at the field level, will enhance the Coast Guard's operating capabilities and service delivery. In closing, the Commandant reminded the members to think about preemptively and strategically all along the supply chain and be creative and critical in providing their feedback.

The Committee engaged in an hour discussion on the proposed topics. The members unanimously confirmed Chris Koch as the Committee Chair and Lisa Himer as the

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Committee Vice-Chair. The Committee agreed to the establishment of the following work groups:

- 1) Credentialing with Ms. Himber and Mr. Halstead as Co-chairs. The work group will provide feedback on the development of the joint TSA/USCG regulation on transportation worker identity cards. This work group may also be utilized to assist in the development of future regulations on Seafarer Identification Documents;
- 2) Communications with Mr. Monroe and Mr. Merhige as Co-chairs. The work group will conduct an inventory of departmental communication tools and procedures in use today and provide feedback on efficiencies to enhance the process. The members requested a better understanding from the USCG and DHS on the role of Sector Coordinating Councils (SCCs) and requested that a schematic of how the various DHS and federal communications systems and bodies fit together (i.e. SCCs, National Coordinating Center, Homeland Security Operations Center, Terrorist Threat Integration Center, etc.); The Committee determined that it needed more specific information before going forward on the issue of a maritime SCC and requested clarification on the subject from IAIP. It was noted that a maritime SCC will be distinct from the NMSAC which is subject to the Federal Advisory Committee Act;
- 3) Asymmetric Migration with Mr. Hyde as the Chair. The work group will review the issue of absconders, deserters, and stowaways and develop recommendations on these subjects; and
- 4) Boarding consistency issues with Mr. Koch and Mr. Maher as Co-chairs. The members will collect/compile specific examples and issues from the industry and provide them to the Co-chairs for consolidation and development of an agenda.

The Committee determined that it needed more specific information before going forward on the issue of Sector Coordinating Councils (SCC). The Coast Guard will liaise with IA/IP to facilitate this request. It was noted that the composition of a maritime SCC will be distinct from the NMSAC which is subject to the Federal Advisory Committee Act.

On the issue of recovery operations, the members noted that further guidance from DHS on specific taskings regarding government needs and how the Committee may provide input on the National Maritime Security Plan would be beneficial before the subject can be properly addressed by the NMSAC. It was also suggested that since the issue of recovery goes beyond the maritime sector the topic should start with transportation in general, looking at what is already in place. CAPT Dale indicated that he would provide more information to the Committee as the National Maritime Security Plan is developed. In addition, the USCG will schedule a brief on the subject of recovery for the next meeting. RDML Hereth also indicated that at some point, the Threat Response Options Matrix may be reviewed by the members for comment.

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The Committee agreed that the issue of Security Officer Training Standards could be reviewed at a later date. It also noted that the issue of electronic submission system is something that could be taken on in short order. The Coast Guard indicated that it will provide input to the Committee regarding concerns with single window reporting. Mr. Patton noted that the COAC has an ongoing enterprise architecture initiative, and this might be a duplicative effort. The Committee responded that the issue of advising DHS on a single window reporting system is essential and indicated that it will develop a response to be circulated to the members for consideration at the next meeting.

Ms. Culnane offered to develop and chair a group to address the combined issues of MTSA regulatory intent on K, H, and HSC vessels operating in domestic waters. Further discussion resulted in the recommendation to explore the issue with G-MPS to more fully flesh out the specific issues of concern within the domestic maritime sector and address it at the next meeting.

The meeting concluded at 12:30. Prior to adjournment, the work group chairs were advised to coordinate with the members and CDR Burke. The members were also advised to review their schedules and provide dates of availability to CDR Burke for scheduling the next committee meeting. The Chair opened the floor for brief public comments. **Mr. Gary Gilbert**, Sr. VP, Hutchinson Port Holdings, offered that the international community should be consulted on the recovery issue and the security officer training issue. **CAPT Joe Frohnhoefer**, CEO SeaTow Inc., inquired about the tenure of the CG personnel associated with the NMSAC. He was informed that most of the CG members will remain in place. **Ms. Beth Gadney**, PVA advised of a group sponsored by the Port of Seattle that is also working on recovery issues and suggested that the committee may wish to hear from CAPT Ed Page.

Adjourned.

The minutes have been reviewed for accuracy by CAPT Frank Sturm (Executive Directive) and Mr. Chris Koch (Chair).